IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1311 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ARSODIA GAM NI SEVA SAHAKARI MANDALI LTD.
Versus
STATE OF GUJARAT AND ORS.

Appearance:
1. Special Civil Application No. 1311 of 1998
MRS DT SHAH for Petitioner No. 1
MS. HARSHA DEVANI, A.G.P. for Respondent Nos. 1-3
RULE NOT RECD BACK for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE J.N.BHATT

Date of decision: 26/03/2004

ORAL JUDGEMENT

1. The petitioner-Society is registered under the

Cooperative Societies Act, 1961 ("Act") in 1971 and was granted licence for Fair-Price Shop in 1981. An Administrator had taken the charge during the period from 1987 to 1989. So far as the petitioner-Society is concerned, at the instance of the Sabarkantha Zilla Madhyastha Sahakari Bank, Himmatnagar, small farmers were given loan in 1989 and out of which many farmers had paid their dues and small amount had been remained unpaid and remaining persons had given undertaking to pay remaining dues in the next session of July, 1998.

3. Proceedings under Section 107 of the Act came to be initiated by respondent No.3 against the petitioner-Society and the adverse order came to be passed by the Respondent No.3, under Section 107 directing the appointment of the liquidator, which was challenged under Section 153 of the Act before the Additional Registrar (Appeals) by filing an appeal No. 80 of 1997 unsuccessfully. It was then further challenged before the Government by filing revision under Section 155 of the Act, being Revision Application No. 119 of 1997, which was, also, rejected on 13-08-1997.

4. After having taken into consideration the entire conspectus of the facts and circumstances and the relevant proposition of law and going through the findings of facts, this Court has no hesitation in finding that the impugned order, confirmed in two forums cannot be said to be unjust, perverse, infirm or illegal. Therefore, this petition is without any substance and is required to be rejected and accordingly it is rejected. Rule discharged.

(J. N. BHATT, J.)

/shamnath